

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

RONNIE TURNER,	§	
Petitioner,	§	
VS.	§	CIVIL ACTION NO.4:08-CV-570-Y
	§	
NATHANIEL QUARTERMAN,	§	
Director, T.D.C.J.	§	
Correctional Institutions Div.,	§	
Respondent.	§	

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS
(With special instructions to the clerk of Court)

In this action brought by petitioner Ronnie Turner under 28 U.S.C. § 2254, the Court has made an independent review of the following matters in the above-styled and numbered cause:

1. The pleadings¹ and record;
2. The proposed findings, conclusions, and recommendation of the United States magistrate judge filed on August 5, 2009; and
3. The petitioner's written objections to the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on August 13, 2009, and as supplemented on August 26, 2009.

¹Subsequent to the Respondent's answer, the magistrate judge allowed, on April 3, 2009, that Turner's March 27, 2009, motion for leave to file objections, would be considered as objections. The clerk of Court should note this on docket entry #30. The Court also notes that by Order of January 13, 2009, the magistrate judge granted Turner's motion for leave to amend to file a supplemental reply brief. That supplemental brief, however, was not file-stamped and docketed. The clerk of Court is directed to file *nunc pro tunc* effective January 13, 2009, the "Petitioner's Supplemental Reply Brief," and place a remark on the docket that this was done. Furthermore, Turner filed several additional documents which assert additional arguments in support of his grounds for relief, which the Court assumes the magistrate judge considered in his findings, conclusions and recommendation. Those documents include: January 20, 2009, filing entitled "I'm Innocent"; March 5, 2009, filing entitled "Memorandum"; March 12, 2009, filing entitled "Letter Brief of the Petitioner"; and a May 21, 2009, filing entitled "Finding of Fact of State Witness Ketsana and Saroj Mehra." Also, on July 8, 2009, Turner filed a motion for leave to file a Motion for Summary Judgment (entitled "Brief in Support of Motion for Summary Judgment"). The court concludes that the motion for leave (docket no. 35) should be GRANTED, and the clerk of Court shall file and docket the attachment as a motion for summary judgment.

The Court, after **de novo** review, concludes that Petitioner's objections must be overruled, that the petition for writ of habeas corpus should be denied, and that the referenced motions should be denied, for the reasons stated in the magistrate judge's findings and conclusions.

Turner also filed, after the filing of the findings, conclusions and recommendation, a motion for an evidentiary hearing. That motion will be denied, as an evidentiary hearing is not warranted for the reasons already listed in the magistrate judge's report.

Therefore, the findings, conclusions, and recommendation of the magistrate judge are ADOPTED.

The following motions are DENIED: motion for leave to file motion for discovery (docket no. 33); motion for leave to proceed in forma pauperis (docket no. 34); motion for hearing (docket no. 37); and the motion for summary judgment.

Petitioner Ronnie Turner's petition for writ of habeas corpus under 28 U.S.C. § 2254 is DENIED.

SIGNED September 8, 2009.


TERRY R. MEANS
UNITED STATES DISTRICT JUDGE